

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

JASON FRY, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

ANCESTRY.COM OPERATIONS INC., a  
Virginia Corporation; ANCESTRY.COM  
INC., a Delaware Corporation; and  
ANCESTRY.COM LLC, a Delaware limited  
liability company,

Defendants.

Case No.: 3:22-cv-00140

**DECLARATION OF TODD GODFREY**

I, Todd Godfrey, hereby declare as follows:

1. I am the Vice President of Global Content at Ancestry.com Operations Inc. In this declaration, I collectively refer to Ancestry.com Operations Inc., Ancestry.com Inc. and Ancestry.com LLC as “Ancestry” and distinguish among them only if necessary to ensure accuracy and clarity. I am over eighteen years of age and am fully competent to make this declaration. I make this declaration of personal, firsthand knowledge, and my familiarity with relevant corporate records. If called and sworn as a witness, I could and would testify competently thereto.

2. I have been employed by Ancestry since 2008. As part of my job responsibilities, I am familiar with Ancestry’s operations and record keeping, and I have reviewed Ancestry’s business records and other documents that provide the basis for my statements.

3. Ancestry.com Operations Inc. is a Virginia Corporation. Ancestry.com Inc. is a Delaware Corporation. Ancestry.com LLC is a Delaware limited liability company. Each has its headquarters and principal place of business in the State of Utah.

4. Ancestry owns and operates the public website ancestry.com.

5. The digitized Marion High School yearbooks at issue in this action were not acquired by Ancestry from the State of Indiana. The yearbooks at issue were licensed to Ancestry by PeopleConnect, Inc. (a company headquartered in Washington) along with many other yearbooks from various states pursuant to an agreement executed outside the State of Indiana.

6. Ancestry made the digitized Marion high school yearbooks available through its public website Ancestry.com at Ancestry's offices in California and/or Utah. The website Ancestry.com is maintained by Ancestry by its employees located in California and/or Utah.

7. The digitized Marion High School yearbook records at issue in this action were available to search through Ancestry's website by any user in any state in the exact same manner. Other than users' ability to search Ancestry's website for the records at issue in the complaint, Ancestry has never displayed these records in any manner that is specific to users in the State of Indiana.

8. Ancestry only sends hint e-mails to users who have created an Ancestry account and provided a corresponding e-mail address. Ancestry has not sent any hint e-mail regarding any of the records at issue in the complaint to any user whose Ancestry account is associated with an Indiana address.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 10, 2022, in Lehi, Utah.

DocuSigned by:

  
26309467DED2465...

Todd Godfrey, Vice President, Global Content at  
Ancestry.com Operations Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filings(s) to all counsel of record.

/s/ John A. Conway  
John A. Conway